

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 3, 2005

DIVISION THREE

B179606 People (Not for Publication)
v.
Gauthia

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

[illegible]

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

B184348 Los Angeles County, D.C.S. (Not for Publication)
v.
Fidencio N.,

The appeal is dismissed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

DIVISION THREE (Continued)

B177758 Felix Dacanay & Golden Buddha Corp. (Not for Publication)
v.
Bryan W. Beckmann

The order denying Beckmann's motion for attorney fees and costs under section 425.16 is reversed and the matter is remanded for further proceedings consistent with the principles set forth herein. Beckmann shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B178886 People (Not for Publication)
v.
Hicks

The judgment is modified to add a consecutive 10-year sentence enhancement pursuant to section 12022.53, subdivision (b). The clerk of the superior court is ordered to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

November 3, 2005 (Continued)

DIVISION THREE (Continued)

B176390 Lyn Oakland, et al. (Not for Publication)
 v.
 Robert J. Rice

The judgment is reversed. The matter is remanded for additional proceedings consistent with this opinion. Plaintiffs are to recover costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION SIX

B181908 People (Not for Publication)
 v.
 Olvera

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B173353 People v. Johnson
B177167 People v. Yony V.
B177726 People v. Placentia
B177854 People v. Medina
B178039 People v. Pardo

DIVISION SEVEN (Continued)

Each of the following (continued):

B178616	People v. Christian M.
B178669	People v. Weir
B178822	People v. Moore
B179291	People v. Carraza
B179372	People v. Calvillo
B179529	People v. Foote
B179541	People v. Espinoza
B181580	People v. Turner
B181615	People v. Peraza
B183276	Warren v. SCLA

Argument waived, cause submitted.

B172482	People v. Saldana
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Merits:

Argued by David Carico for appellant and no appearance for respondent. Party stipulates to Justice Johnson's participation by listening to the audio recording. Cause submitted.

B173759	People v. Ivey
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Merits:

Argued by Danalynn Pritz for appellant and by Analee Brodie, Deputy Attorney General for respondent. Parties stipulate to Justice Johnson's participation by listening to the audio recording. Cause submitted.

Court recessed at 9:41 a.m.

Court reconvened at 10:12 a.m.

Present: Perluss, P.J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

B172653 Soormaghen v. Soormaghen

Argument waived, cause submitted.

B176543 Ruiz et al.,
v.
Mendoza et al.,

Merits:

Argued by Moses Hall for appellants and by Thomas Thomson for respondents. Cause submitted.

Court recessed at 10:21 a.m.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B177792 Rowe v. Zinnemann

Argument waived, cause submitted.

B178633 Mt. Holyoke Homes et al.,
v.
Schelbert

Merits:

Argued by John Bowman for appellants and by John Murdock for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B176985 Casa Eva I Homeowners et al.,
v.
Paykar Construction

Merits:

Argued by Brad Kane for appellant and by Jeffrey Milam, Kirk Hanson and Gary Schumacher for respondents. Cause submitted.

B177908 City of Los Angeles
v.
Animal Defense League

Merits:

Argued by John Uribe for appellant and by Vivienne Swanigan for respondent. Cause submitted.

Court adjourned.

B164713 Lowren
v.
Inman, Spinosa, Buchan, Inc.

Filed order denying petition for rehearing. Johnson, J. would grant rehearing.

B177469 Sandoval
v.
Universal City Studios

Filed order modifying opinion. (No change in the judgment)

DIVISION EIGHT

B168637 City of Los Angeles (Not for Publication)

v.

Today's IV, Inc., et al.,

The appeal from the judgment is dismissed and the order denying attorney fees is affirmed. The City of Los Angeles is entitled to recover its costs on appeal.

Boland, J.

We concur: Rubin, Acting P.J.
 Flier, J.

DIVISION EIGHT (Continued)

B174910 People (Not for Publication)

v.

Rutigliano

The judgment is reversed.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B173385 Whitney (Not for Publication)

v.

Sunnyside Transportation, Inc., et al.,

The judgment is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (Continued)

B178586 Bohumir Marik (Not for Publication)
 v.
 Jaroslav Marik et al.,

The appeals of appellants Anna Marik and Bohumir Marik and Anna Marik as trustees of the BM Family Trust are dismissed. The judgment is affirmed. Respondents are to recover their costs on appeal.

Flier, J.

We concur: Cooper, P.J.
 Boland, J.

B170786 L&B Estate et al., (Not for Publication)
 v.
 Kenneth J. Pingree, Jr., et al.,

B174089 William Little
 v.
 Bay Area Financial Corporation

The judgment in Case No. B170786 is affirmed, while the judgment in Case No. B174089 is reversed. The trial court is directed to enter an order granting summary adjudication of the fraud and failure to disclose causes of action in favor of defendants. No Costs are awarded at this time; however, costs may, at the trial judge's discretion, be awarded at the conclusion of the proceedings.

Boland, J.

We concur: Cooper, P.J.
 Flier, J.